Subject: RE: Public Records Request to Kure Beach — filed June 30, 2026
Date: Friday, July 10, 2026 at 5:00:50 PM Central European Summer Time
From: Mark Williams
To: John Bailey
CC: m.sanders@tokb.org, b.chase@tokb.org, [redacted]
Attachments: image001.jpg, image002.jpg, Kure-BEach-PRR.pdf

Chief Bailey,

Thank you for your July 10 acknowledgment. I understand the department has a heavy workload, but I must respectfully object to the proposed two-to-three-month timeline.

As an initial matter: your office logged this as a "FOIA Request." For the record, the federal Freedom of Information Act does not apply to municipal agencies. This request is governed exclusively by the North Carolina Public Records Act, N.C. Gen. Stat. Ch. 132. A copy of my June 30 request is enclosed for the Town's reference.

North Carolina requires a custodian to furnish public records "as promptly as possible." N.C. Gen. Stat. § 132-6(a). Our courts construe the Act liberally in favor of access, *News & Observer Publ'g Co. v. Poole*, 330 N.C. 465, 475 (1992); *State Emps. Ass'n of N.C. v. N.C. Dep't of State Treasurer*, 364 N.C. 205 (2010), and a custodian has no discretion to prevent inspection and copying of public records, *Womack Newspapers v. Town of Kitty Hawk*, 181 N.C. App. 1 (2007). A busy season does not suspend that duty — and the clock has been running since my request was submitted on June 30, now more than ten days ago.

The records I requested are readily producible. The Flock contract, the ALPR policy or SOP, invoices, the camera list, and any data-sharing agreements are discrete, existing documents. The Flock Organization Audit, Network Audit, and Event Log are electronically stored data — themselves public records subject to disclosure, N.C. Gen. Stat. § 132-6.1; *LexisNexis Risk Data Mgmt. v. N.C. Admin. Office of the Courts*, 754 S.E.2d 223 (N.C. App. 2014) — and are generated on demand, in a few clicks, from the department's Flock Insights dashboard, in standard PDF or CSV. I am entitled to copies in the electronic format in which they are maintained. § 132-6.2.

Accordingly, given the time already elapsed, I request that the Town produce the readily available records — the contract, policy, invoices, camera inventory, and any data-sharing agreements — within ten (10) days of this letter, with the remaining Flock audit exports produced promptly thereafter on a rolling basis. If the Town contends that any specific record cannot be produced within that period, please identify the record, the reason for the delay, and the anticipated production date.

To be clear, the Public Records Act does not permit an agency to postpone production for months merely because compliance is inconvenient or because staffing resources are limited. Where responsive records already exist and are readily accessible, extended delay may itself constitute a constructive denial of the right of access guaranteed by Chapter 132. The records requested here are finite, identifiable documents and electronic exports capable of production with minimal burden.

I have copied the Town Attorney so that the Town's legal obligations and potential exposure under Chapter 132 are fully understood. The Town is now on notice. If it continues to withhold or unreasonably delay production, I am prepared to pursue the remedies the law provides — mediation through the North Carolina Dispute Resolution Commission, N.C. Gen. Stat. § 7A-38.3E, a prerequisite to suit under § 132-9(a), followed if necessary by an action under § 132-9 to compel disclosure, which the statute directs be set down for immediate hearing. Once a public body has been placed on notice of its obligations and given an opportunity to comply, continued delay becomes increasingly difficult to justify.

In such an action, a requester who substantially prevails is entitled to recover reasonable attorneys' fees and costs. § 132-9(c). The statute further authorizes the court to assess attorneys' fees personally against a public official who knowingly or intentionally violates the Act. Because the Town has now been advised of both the governing law and the specific records sought, I trust that litigation — and the unnecessary expenditure of public funds on avoidable attorneys' fees — can be avoided through prompt compliance.

I would prefer to resolve this matter cooperatively and without court involvement. Absent meaningful progress toward production, however, I am prepared to seek all relief authorized by § 132-9, and nothing in this correspondence should be construed as a waiver of any right, claim, or remedy.

Respectfully,

Mark Spencer Williams

Enclosure: Public Records Request dated June 30, 2026

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: John Bailey <j.bailey@townofkurebeach.org>
Date: Friday, July 10, 2026 at 3:39 PM
To: Mark Williams <mwilliams@ricefamilylaw.com>
Subject: FOIA Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Williams we received your request. It will take us a some time to compile the requested information as we are in our busy season at the moment. We hope to have the information provided to you within the next two to three months.

Best Regards

Chief J.B. Bailey
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